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Atty. Docket No.: CA1400
PATENT APPLICATION

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/684,296

REMARKS

Claims 1, 2, 22-27, 29-31 are all the claims pending in the application.

I. Election/Restriction

Applicants note with appreciation the Examiner's withdrawal of the restriction requirement and performance of new search based on the preliminary amendment dated September 21, 2005.

II. IDS

The Examiner has not initialed the reference "Garritan Personal Orchestra Ensemble Building" because it did not contain sufficient information as to its publication date. Applicants have no information to substantiate with certainty the publication date of this reference. However, Applicants have performed web search to obtain information indicating the publication date of the reference. The following process was used:

The Alexa website contains historical versions of various websites accessible on the Internet. A query for "www.garritan.com" was submitted to the Alexa site. The resulting link is <http://www.alexa.com/data/details/?url=www.garritan.com> and a screenshot is provided in Appendix A herewith.

Then, the WayBackMachine was queried to provide historical version of the Garritan website. The resulting link is: http://web.archive.org/web/*/www.garritan.com and a screenshot is attached in Appendix A.

The list was then search to find the earliest version of the Garritan website that included the "Garritan Personal Orchestra Ensemble Building" reference. From the search, Applicants

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believe that the earliest version of the website is that date October 11, 2004. The homepage of that version of the website is at

<http://web.archive.org/web/20041011024421/http://garritan.com/index.html> and a screenshot of it

is attached in Appendix A. The actual webpage containing the reference can be found at

<http://web.archive.org/web/20041011021446/garritan.com/GPO-ensemble.html> and a screenshot

is submitted in an IDS indicating October 11, 2004 as the publication date. Additionally,

Applicants have printed other screenshots from the same website that describe the features of the

Garritan Personal Orchestra and submit these screenshots in the IDS for the Examiner's

consideration.

III. Art Rejections

Claims 1, 22-25, 31-33, 37 and 39-43 stand rejected as being anticipated by Fay '143.

Claims 2, 26, 27, 36, 38, and 45-50 stand rejected as being unpatentable over Fay in view of Kay

'125. These rejections are made moot by the amendment submitted herewith, as further

explained below.

Claim 28 has been indicated to be allowable. Accordingly, the limitations of claim 28 have been incorporated into claim 1, thereby making claim 1 and its dependent claims allowable.

Claim 28 has been canceled. Consequently, claims 1, 2, 22-27, 29 and 31 are allowable.¹

¹ Note that claim 29 has been indicated to be allowable. Claim 29 previously depended from claim 28. However, since the limitations of claim 28 have been incorporated into claim 1, claim 29 has been amended to depend from claim 1.

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Claim 34 has been indicated to be allowable for its recitation of "a preferential weighting note assignment". This limitation has been incorporated into claim 32, thereby making claim 32 and its dependent claims allowable. Claim 34 has been canceled. Consequently, claims 32, 33, 35-44 are allowable. Additionally, the recitation "a preferential weighting note assignment" of claim 34 has also been inserted into claim 45, thereby making claim 45 and its dependent claims allowable. Consequently, claims 45-50 are now allowable.

New claims 51-56 have been added. Claims 51-56 mimic claims 22-27, but depend from allowable claim 30. Consequently, claims 51-56 are allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: January 27, 2006



Joseph Bach
Registration No. 37,771

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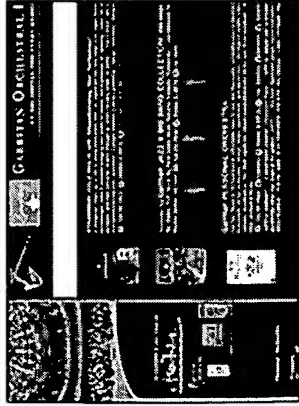
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www.garritan.com

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Garritan Orchestral Libraries

garritan.com

Developing instruments based on Kontakt software technology. Audio samples, features description, news and purchasing information.

Traffic Rank for garritan.com: 311,608

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Garritan Orchestral
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- Big Tick Audio Software bigtick.pastnotecut.org - Site info

Site Stats for garritan.com:

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Adv. Search Compare Archive Pages

Searched for <http://www.garritan.com>

70 Results

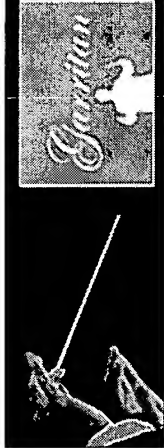
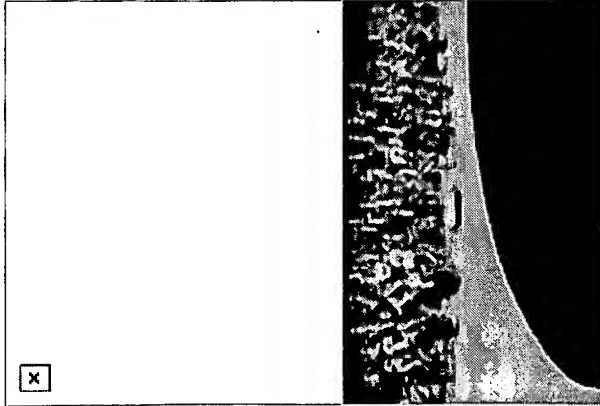
Note some duplicates are not shown. [See all.](#)
* denotes when site was updated.

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						May 29, 2002 *	Feb 12, 2003	May 02, 2004 *	Feb 04, 2005	
						Jun 01, 2002	Feb 17, 2003	May 18, 2004 *	Feb 08, 2005 *	
						Jun 03, 2002	Mar 25, 2003	May 27, 2004 *	Feb 15, 2005 *	
						Aug 03, 2002 *	Apr 03, 2003	Jun 07, 2004 *	Feb 19, 2005	
						Sep 22, 2002	Apr 19, 2003	Jun 11, 2004 *	Mar 03, 2005 *	
						Sep 24, 2002	Apr 20, 2003	Jun 20, 2004	Mar 08, 2005 *	
						Sep 27, 2002	Apr 24, 2003	Jul 16, 2004	Mar 13, 2005	
						Sep 29, 2002	May 23, 2003	Sep 24, 2004 *	Mar 31, 2005 *	
						Oct 17, 2002	May 30, 2003	Sep 25, 2004		
							Jun 18, 2003	Sep 25, 2004		
						Nov 23, 2002 *	Jun 23, 2003	Oct 11, 2004 *		
						Nov 25, 2002	Jun 23, 2003	Oct 22, 2004 *		
						Nov 27, 2002	Jul 19, 2003	Oct 22, 2004 *		
						Nov 30, 2002	Jul 20, 2003	Nov 04, 2004 *		
							Jul 25, 2003	Nov 05, 2004		
							Sep 23, 2003	Nov 16, 2004		
							Sep 25, 2003	Nov 27, 2004		
							Oct 11, 2003 *	Nov 29, 2004		
							Oct 28, 2003			
							Nov 26, 2003 *			
							Nov 29, 2003			
							Dec 03, 2003			
							Dec 18, 2003 *			

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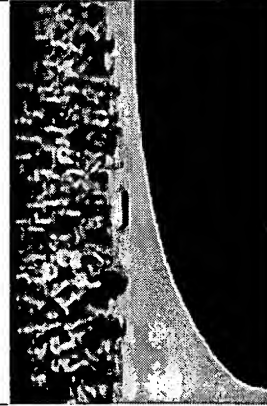
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A Comprehensive Easy-to-Use Orchestral Library for \$249. The most expensive collection of orchestral instruments ever sampled. Includes the Kontakt Sample Player, Overture Notation, Cubasis VST & GPO Studio.

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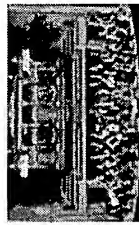
Price Increase Soon

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Announcing: GPO Orchestration Competition!

Have Your GPO Work Performed by a Real Symphony Orchestra!

Enter your orchestral work using the Garritan Personal Orchestra The Grand Prize Winner will have their Work Performed live by a Full Symphony Orchestra and Broadcast Live Worldwide on the Internet! Many runner-up prizes! Tell Me More



Take an Interactive Tour of the GPO Instruments

See and hear the orchestral instruments of Personal Orchestra in this interactive guide.

SHOW ME THE AUDITION - Broadband AUDITION - Low Res Demos & MP3s



Announcing: BERKLEE COLLEGE OF MUSIC Collaboration

Berklee College of Music is proud to announce the release, in collaboration with Gary Garritan, of the Garritan Personal Orchestra: Berklee Edition. Designed specifically for Berklee students, faculty, and curriculum, and available as part of the bundles for Berklee's tech-heavy majors! Tell Me More



Announcing GPO Classes: "Creating Orchestral Simulations using GPO"

"Creating Orchestral Simulations using the Garritan Personal Orchestra" was offered this Summer as part of the Pacific Northwest Film Scoring Program (PNWFSP) in conjunction with Napier University's Ian Tomlin School of Music in Edinburgh, Scotland. More GPO classes will be announced soon.

Personal Orchestra

- Features
- Demos & MP3s - NEW DEMOS
- Instrument List
- Controls
- Ensemble Building
- Support
- Order

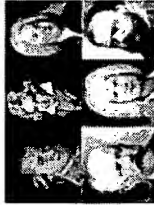
New MP3 Pages with over 200 User Demos - Listen to CLASSICAL, HOLLYWOOD, THEATRICAL, RAGTIME, POPULAR, MODERN, WORLD and other music performed with Garritan Personal Orchestra & Orchestral Strings. Demos & MP3s

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Recent GPO Repertoire

TITLE	ARTIST	TITLE	ARTIST
<input checked="" type="checkbox"/> Tchaikovsky Suite 1	Davis, Danielle	<input checked="" type="checkbox"/> Also Sprach Zarathustra (2001)	Kopp, Darwin
<input checked="" type="checkbox"/> GPO Adventure	Francesco Marchetti	<input checked="" type="checkbox"/> Mozart Clarinet Concerto	Duncan Brinsmead
<input checked="" type="checkbox"/> Flight of the Bumblebee	Burgess, Simon	<input checked="" type="checkbox"/> Joplin's Easy Winners	Tom Hopkins
<input checked="" type="checkbox"/> Fantasia - Theme by Thomas Tallis	Davis, Danielle	<input checked="" type="checkbox"/> Debussy 'From a Sketchpad'	Dan Powers
<input checked="" type="checkbox"/> Hummie Mann's Alaska	Ged Brockie	<input checked="" type="checkbox"/> Stravinsky Rite of Spring	Jamie Kowalski
<input checked="" type="checkbox"/> Shopping With Lola	Maddux, David	<input checked="" type="checkbox"/> The Seventh Seal	Francesco Marchetti
<input checked="" type="checkbox"/> Shenandoah	Powers, Daniel	<input checked="" type="checkbox"/> Beethoven's Fifth Symphony	James Orther
<input checked="" type="checkbox"/> Tuscan Affair	William West	<input checked="" type="checkbox"/> Double Header	Joseph Carrillo



Announcing: **GPO STUDIO - VST Host Application**
Now with Capture to Audio Feature! Free to all GPO Users!

Play GPO directly from Notation Programs such as Overture, Finale and Sibelius [? Tell Me More](#)



Users Helping Users

Announcing: GPO RESOURCE PAGES



Use GPO as a Plug-in within these Sequencers or play GPO from Notation Programs using GPO Studio.
 Click on any one of the above buttons for tutorials, tips, files, and more information.

HOW GARRITAN ORCHESTRAL LIBRARIES ARE BEING USED!



✓ **CSI: CRIME SCENE INVESTIGATION** - John Keene uses the sounds of Garritan Orchestral Libraries in the Award-Winning CBS Television crime series 'CSI: Crime Scene Investigation'



✓ **ARRESTED DEVELOPMENT** - Personal Orchestra was used in a recent episode of Arrested Development on FOX. Arrested Development was nominated for a Golden Globe for Best Television Series - Musical or Comedy, and was chosen as an AFI Program of the Year. David Schwartz is the composer for this new series.



✓ **MONK** - The sounds of Garritan Orchestral Libraries can be heard regularly in the award-winning detective series "MONK" starring Tony Shalhoub. Jeff Beal recently received a Prime Time Emmy Award for best main title theme for MONK.



✓ **SEX AND THE CITY** - The sounds of Garritan Orchestral Strings were used in some of the last episodes of the HBO hit series 'Sex and the City'. Didier Rachou composed the music for these series.



✓ **MTV MOVIE AWARDS** - The 2003 MTV Music Awards which aired last June was the first major production to use the sounds of Personal Orchestra. Crispin Hands, Julian and Jeremy Soule



composed some of the music for the 2003 MTV Movie Awards ceremony.

✓THE PSYCHIC' - GPO Used Exclusively in a Film Score!

Garritan's Personal Orchestra was used in the entire score of this new film starring Margot Kidder (Superman) and Tom Savini (Spy Kids, From Dusk till Dawn). Jonathan Walter Cox wrote all of the music for this film.



✓SARASOTA BALLET - Garritan Personal Orchestra was recently used in 'Ca D'Zan' performed with the Sarasota Ballet. This production had 14 sold out performances in Sarasota.



✓PALM SPRINGS FOLLIES- Garritan Personal Orchestra is being used in the productions presented by the Palm Springs Follies.

✓ARETHA FRANKLIN "SO DAMNED HAPPY"- The Garritan string sounds can be heard on this new album by Aretha Franklin. They can also be heard on **PHOEBE SNOW'S** new CD "NATURAL WONDER".



✓POPULAR INTERACTIVE GAMES - Garritan Orchestral Libraries have been used in the music for many popular video games such as: Star Wars®: Knights of the Old Republic™ game (Jeremy Soule, Composer); The Sum Of All Fears (Bill Brown, Composer); Warcraft® III (Glenn Stafford, Composer); Sniper (Doyle Donehoo, Composer); and many others.



✓NUTCRACKER BALLET features Personal Orchestra!
The Northwest Ballet Theatre has recently presented seven performances of this well-known classical ballets during the 2003 holiday season. Garritan Personal Orchestra was used for many of the selections that the dancers performed to.

✓THE BLUE CARBUNCLE Radio Show- Quicksilver Radio Theater did a presentation of The 'Blue Carbuncle' on Max Schmid's The Golden Age of Radio. Garritan Personal Orchestra was used almost exclusively in the accompanying background music in this radio production.

✓THE MUSEUM OF MAKING MUSIC - The Garritan Personal Orchestra multimedia "AUDITION" was exhibited at the MUSEUM OF MAKING MUSIC in Carlsbad, California.



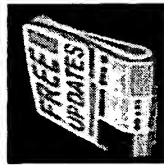
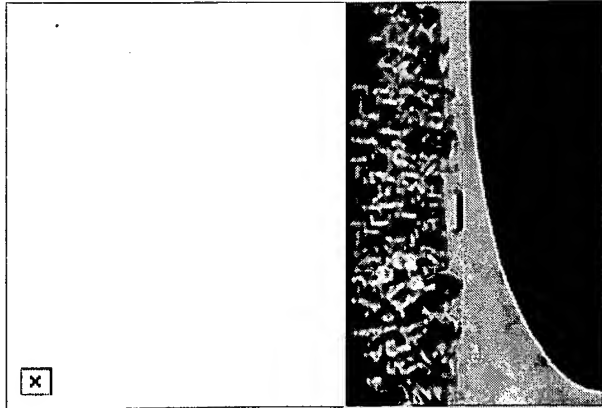
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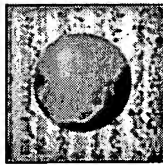
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We are happy to announce a collaboration with Vienna Symphonic Library concerning cross-grades. Users of Garritan Personal Orchestra will get discounted prices for select Vienna Symphonic Libraries, and vice versa. [Tell Me More](#)

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
FREE UPDATES!

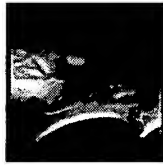
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Learn more about this revolutionary sample library with an MP3 Overview of many of the features of GOS.

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Tour of Garritan Personal Orchestra Coming Soon



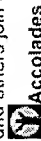
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A revolutionary new approach to sampling providing the expressive capability of physical modeling while retaining the timbral characteristics of a Stradivari and other high-quality string instruments.



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David Arnold, Alf Clausen, Yanni, Mark Isham, Andreas Vollenweider, Jeremy Soule, Chance Thomas, and others join the Garritan Orchestra!



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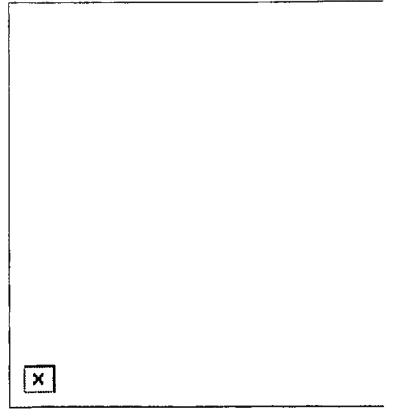
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